

ZB# 98-31

**NW Partners L.P. /
Charles Daidone**

65-2-16.21,22,25

#98-31- NW Partners L.P.

65-2-16.21

16.22

25

Area

Prelim.

Aug. 10, 1998.

Notice to Counsel of 8/25/98.

Public Hearing:

Sept. 14, 1998.

Granted -
Sign Variance

Interv. &
3' 8" max
belg. hgt.

Refund: \$331.00

Wilson Jones Corporation - 8185-10th Avenue - Westfield, Indiana

© Wilson Jones, 1990

DATE 10/22/98 RECEIPT 037311
RECEIVED FROM Billy Blarner/Kenneth Segel
Address _____
One Hundred Fifty - 00 DOLLARS \$150.⁰⁰
FOR 380 #98-3100 100

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK <u>✓</u>	<u>002.17</u>
BALANCE DUE		MONEY ORDER	

BY Dorothy Hansen
Dorothy Clark

Owner: Daidone, Charles T. & Rose M.
 250 - 260 Temple Hill Rd. - NW → Purchased: 7/19/76.
 16.21 - 172 x 172 → 7/15/76.
 16.22 - 150 x 172
 '25 - (formerly 16 Fine (1))

Max Bldg. Height Sign & Interp.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: NW Partners, L.P. / Daidone

FILE# 98-31

8/08/98

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid 10/16/98
ck # 217*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*paid 10/16/98
ck # 218.
10/16/98*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/9/98-4 .. \$ 18.00
2ND PRELIMINARY- PER PAGE 9/14/98-18 .. \$ 81.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 99.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 9/10/98 \$ 35.00
2ND PRELIM. 9/14/98 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 169.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT . \$ 331.00

Date _____

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

DR.

		CLAIMED	ALLOWED
Refund of Escrow fee: NW Partners LP/paidone		\$331.00	
ZBA #98-31			
Approved: Patricia A. Barnhart			
Atty's/ZBA office			

Shaw Engineering

Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(914) 561-3695

New Retail Building
for
N.W. Partners, L.P.
September 3, 1998

Free Standing Signs

Variance No. 1: Number Of Free Standing Signs

Number of Free Standing Signs Requested

- "Rite Aid Pharmacy" Identification Sign

1

- "Drive Thru Pharmacy" Directional Sign

1

Total

2

Number of Free Standing Signs Allowed

1

Variance Requested

1

Variance No. 2: Height Of Free Standing Sign

Height Of Free Standing Identification Sign Requested

20'-6"

Height of Free Standing Sign Allowed

15'-0"

Variance Requested

~~5'-6"~~ 0

Variance No. 3: Area Of Free Standing Signs

Identification Sign

- "Rite Aid Pharmacy": 7.1' x 7.1' plus 7.1' x 5.1' Reader Board (2 sides) 173 S.F.

Directional Sign

- "Drive Thru Pharmacy": 3' x 1.3' (2 sides)

8 S.F.

Total

181 S.F.

Area Of Free Standing Sign Allowed

64 S.F.

Variance Requested

117 S.F.

36 #

Facade Signs

Variance No. 4: Number Of Facade Signs

Number of Facade Signs Requested:

- "Rite Aid Pharmacy" w/ "Pharmacy", "Foodmart" & "1-Hr. Photo" (Awning)	2
- "Drive Thru Pharmacy"	2
- "Open 24 Hours"	2
- "Drive Thru Pharmacy" w/ "Pick Up & Drop Off"	1
Total	7

Number of Facade Signs Allowed

Variance Requested

$\frac{1}{63}$

Variance No. 5: Area Of Facade Signs

Area of Facade Signs Requested

- "Rite Aid Pharmacy" (45 S.F.) w/ "Pharmacy" (7 S.F.),
"Foodmart" (7 S.F.) & "1-Hr. Photo" (7 S.F.) [2 Awnings]
- "Drive Thru Pharmacy" (33 S.F.) [2 Signs]
- "Open 24 Hours" (33 S.F.) [2 Signs]
- "Drive Thru Pharmacy" w/ "Pick Up & Drop Off" (21 S.F.)

132 S.F.

~~66 S.F.~~

~~66 S.F.~~

21 S.F.

285 S.F.

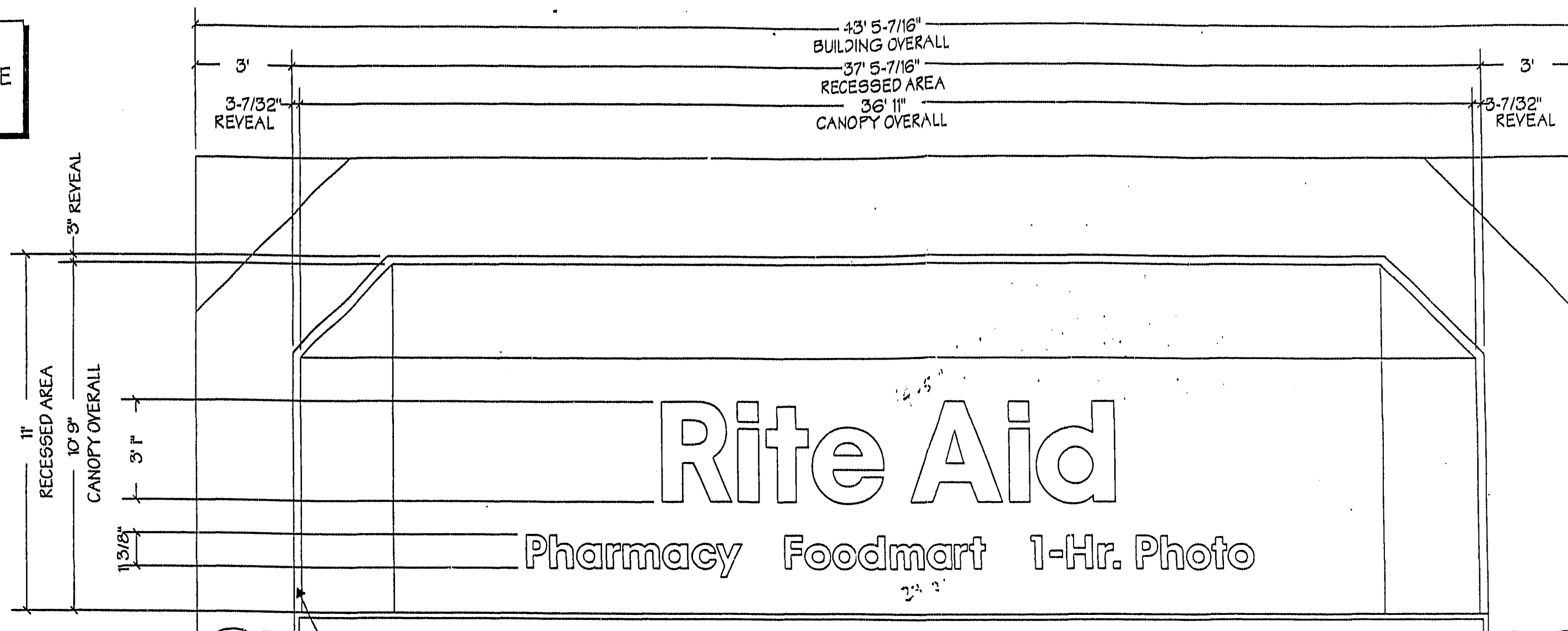
Ub

Area Of Facade Signs Allowed

Variance Requested

25 S.F.
260 S.F.
~~111~~ 100 #

SEE PAGE #1
FOR ALTERNATE
CANOPY FACE



CANOPY FACE ELEVATION
SCALE: 1/4" = 1'0"

CANOPY SPECIFICATIONS
FLEXFACE: SIGNTECH FLEX FACE W/ 7" VERTICAL SEAMS
PLASTIPRINT: SIGNTECH #2870 BLUE
PROTECTIVE COATING: GLASSKOTE FX
GENERAL INFO: FACE TO HAVE 1" Ø GROMMETS 8" O.C. IN A 1-1/2" WIDE POCKET

ELECTRICAL LOAD (PER CANOPY)

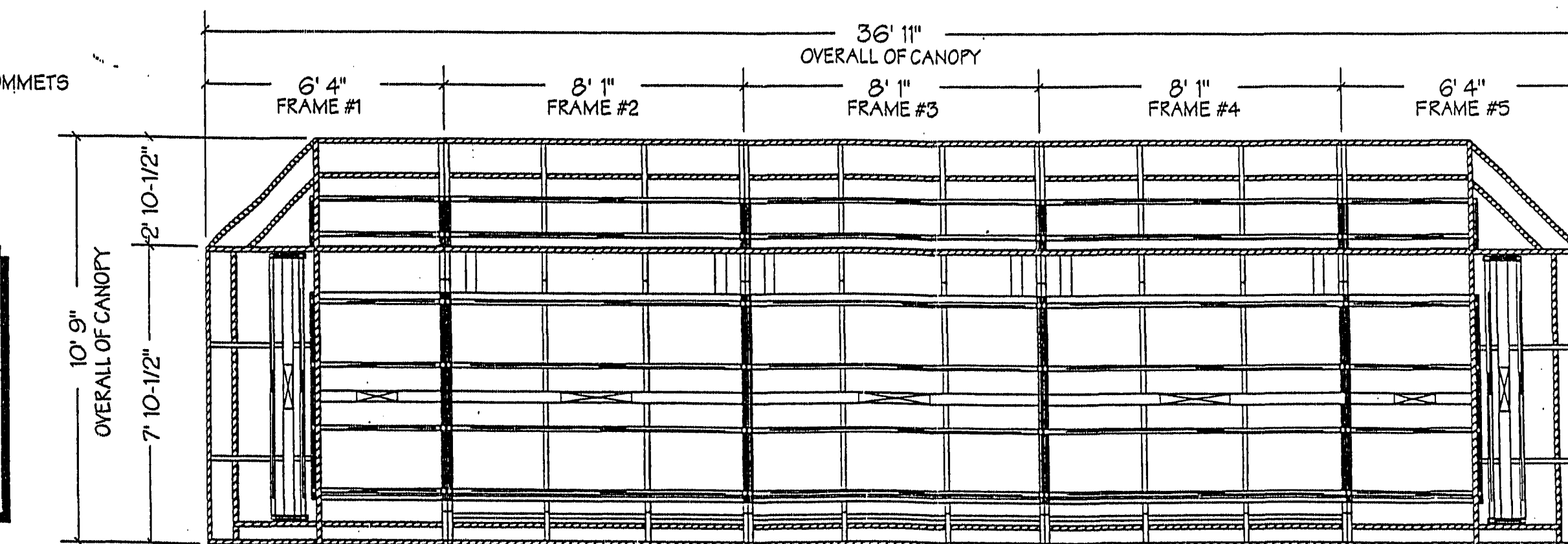
32.6 AMPS @ 120 VOLTS

ELECTRICAL REQ'MTS (PER CANOPY)

(3) 20 AMP / 120 VOLT CIRCUIT

NOTES:

1. SUFFICIENT PRIMARY CIRCUIT IN VICINITY OF SIGN BY OTHERS.
2. FINAL PRIMARY HOOK-UP BY SIGN INSTALLER, WHERE ALLOWED BY LOCAL CODES.



SEE PAGE #6 FOR END
FRAME CONSTRUCTION
DETAILS

SEE PAGE #7 FOR CENTER
FRAME CONSTRUCTION
DETAILS

CANOPY FRAME ELEVATION
SCALE: 1/4" = 1'0"

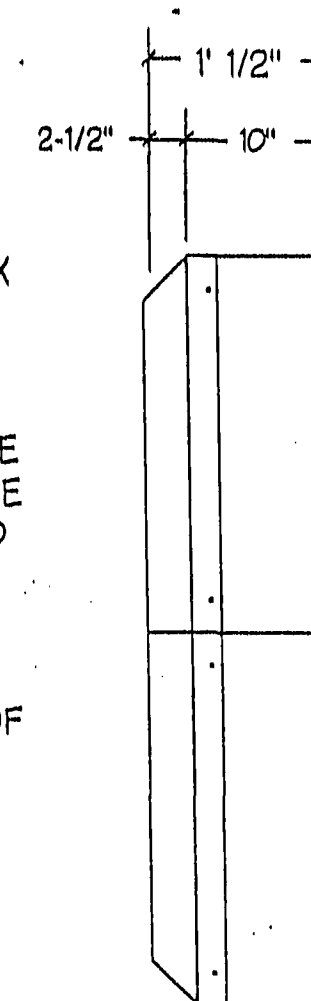
REV.	DATE	DESCRIPTION
5	7/17/97	REV PER RITE AID SPECS JDH
4	7/14/97	REV CANOPY COPY JDH
3	1/2/97	REVISED DRIVE THRU PHARMACY WALL SIGN LOCATION JDH
2	12/31/96	CHANGED DRIVE THRU PHARMACY SIGN JDH
1	12/18/96	REVISED CANOPY CONSTRUCTION PER RITE AID CONSTRUCTION SPECIFICATIONS RA #1 JUNE 1995

JOB NO.:	SHEET NO. 2	OF 7	REV. 5
DWG. NO.: B-2147			

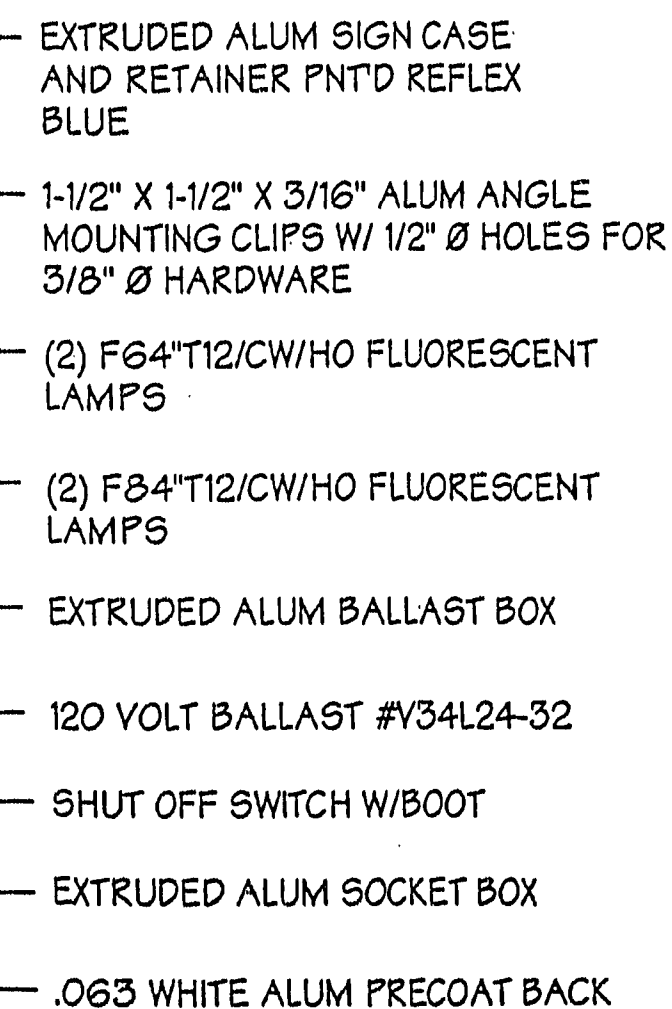
TITLE: RITE AID ILLUMINATED STOREFRONT CANOPY	LOCATION: VARIOUS	DRAWN: KJH	CK. BY: [Signature]	L/O#
DATE: 9-28-96				



Philadelphia Sign Company
707 West Spring Garden Street
Palmyra, New Jersey 08065-1798



SIDE ELEVATION
SCALE: 3/4" = 1' 0"





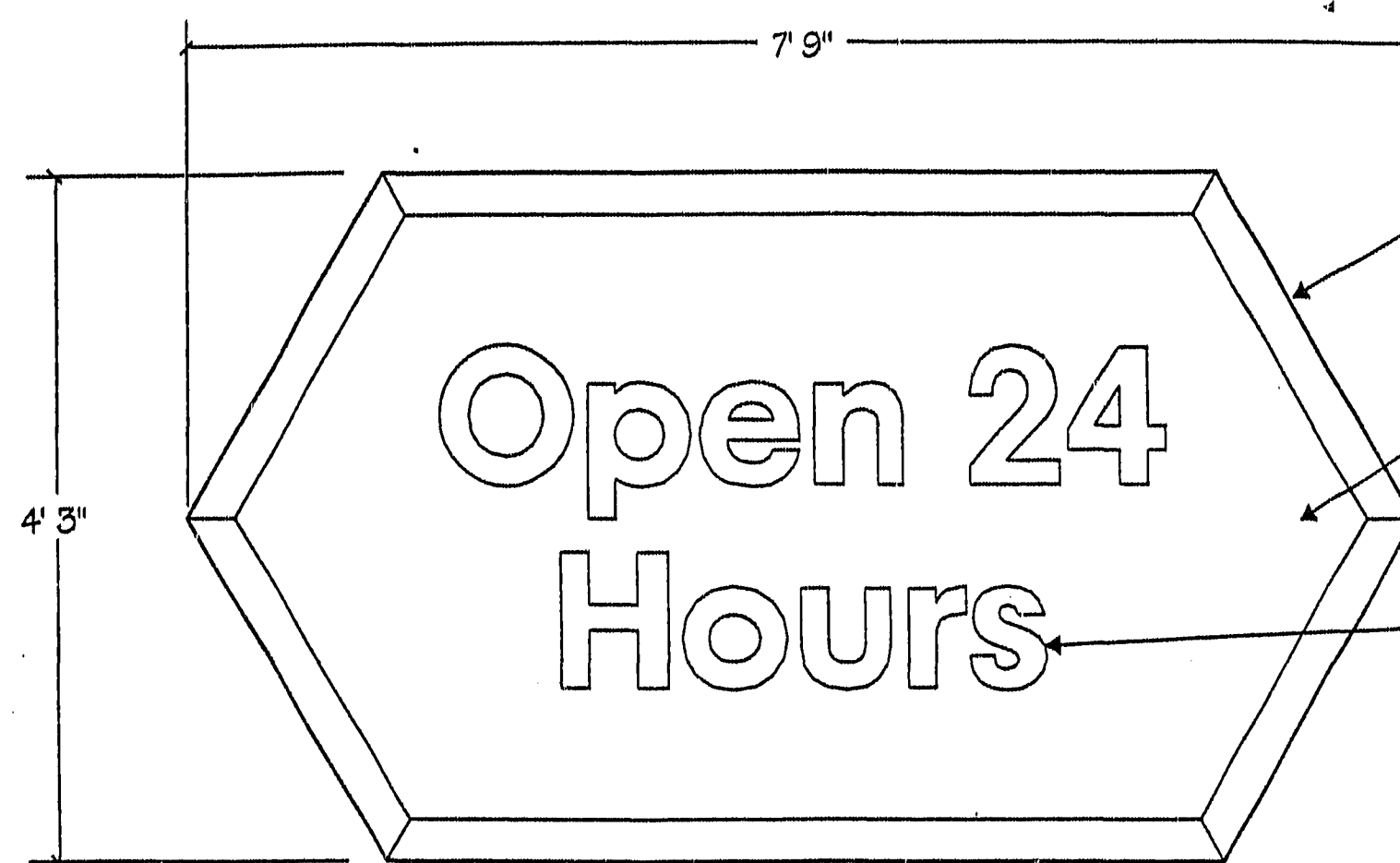
CONSTRUCTION ELEVATION
SCALE: 3/4" = 1' 0"

ELECTRICAL LOAD
3.8 AMPS @ 120 VOLTS
ELECTRICAL REQMT'S
(1) 20 AMP / 120 VOLT CIRCUIT

NOTES:

1. SUFFICIENT PRIMARY CIRCUIT IN VICINITY OF SIGN BY OTHERS
2. FINAL PRIMARY HOOK-UP BY SIGN INSTALLER, WHERE ALLOWED BY LOCAL CODES
3. SIGN SHALL BE U.L. LISTED
4. MOUNTING HARDWARE BY SIGN INSTALLER

 <p> Philadelphia Sign Company 707 West Spring Garden Street Palmyra, New Jersey 08065-1798 </p>	TITLE: RITE AID 4' 3" X 7' 9" S/F "DRIVE THRU PHARMACY" WALL SIGN		JOB NO.:		DATE REV.	DESCRIPTION
	LOCATION: VARIOUS		SHEET NO: 1	OF 1		
	DRAWN: KJH	CK. BY: 	DWG. NO.: B-2427	REV.		
	DATE: 12/13/96	LO#				

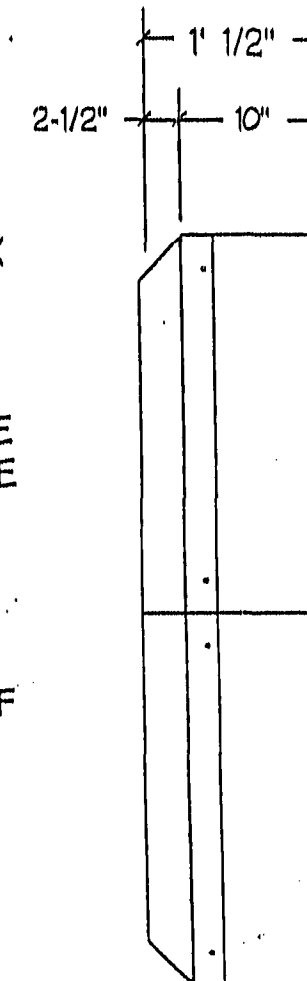


SIGN ELEVATION
SCALE: 3/4" = 1' 0"

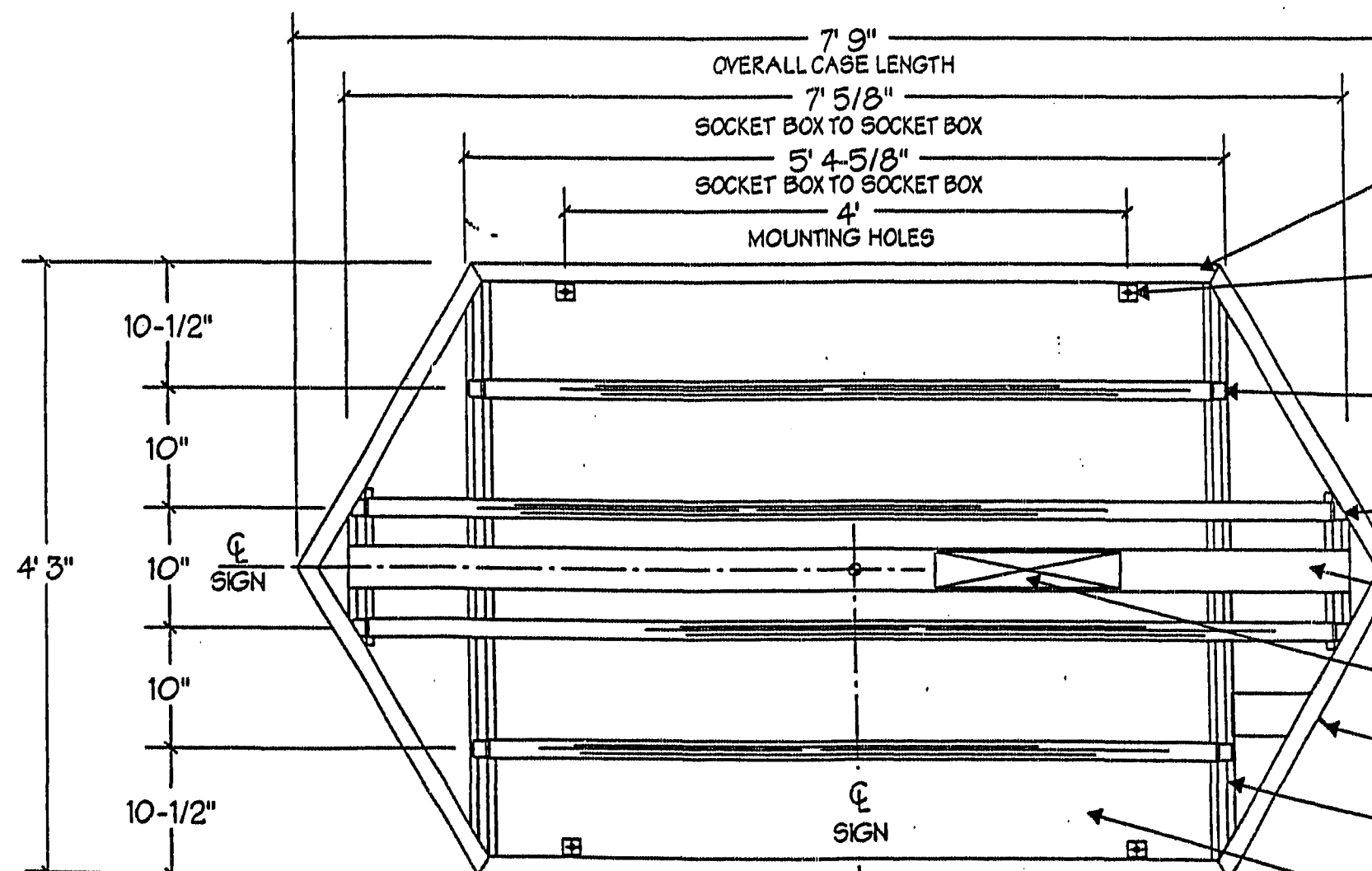
EXTRUDED ALUM SIGN CASE
AND RETAINER PNT'D REFLEX
BLUE

THERMO FORMED 3/16" WHITE
TUFFAK XL PAN FORMED FACE
W/BUE VINYL BACKGROUND

WHITE COPY DROPPED OUT OF
BLUE VINYL BACKGROUND



SIDE ELEVATION
SCALE: 3/4" = 1' 0"



NOTE: SIGN CASE TO BE REINFORCED
@ ALL (6) POINTS W/ 1/8" ALUM

CONSTRUCTION ELEVATION
SCALE: 3/4" = 1' 0"

EXTRUDED ALUM SIGN CASE
AND RETAINER PNT'D REFLEX
BLUE

1-1/2" X 1-1/2" X 3/16" ALUM ANGLE
MOUNTING CLIPS W/ 1/2" Ø HOLES FOR
3/8" Ø HARDWARE

(2) F64"T12/CW/HO FLUORESCENT
LAMPS

(2) F84"T12/CW/HO FLUORESCENT
LAMPS

EXTRUDED ALUM BALLAST BOX

120 VOLT BALLAST #V34L24-32

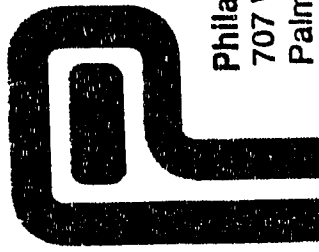
SHUT OFF SWITCH W/BOOT

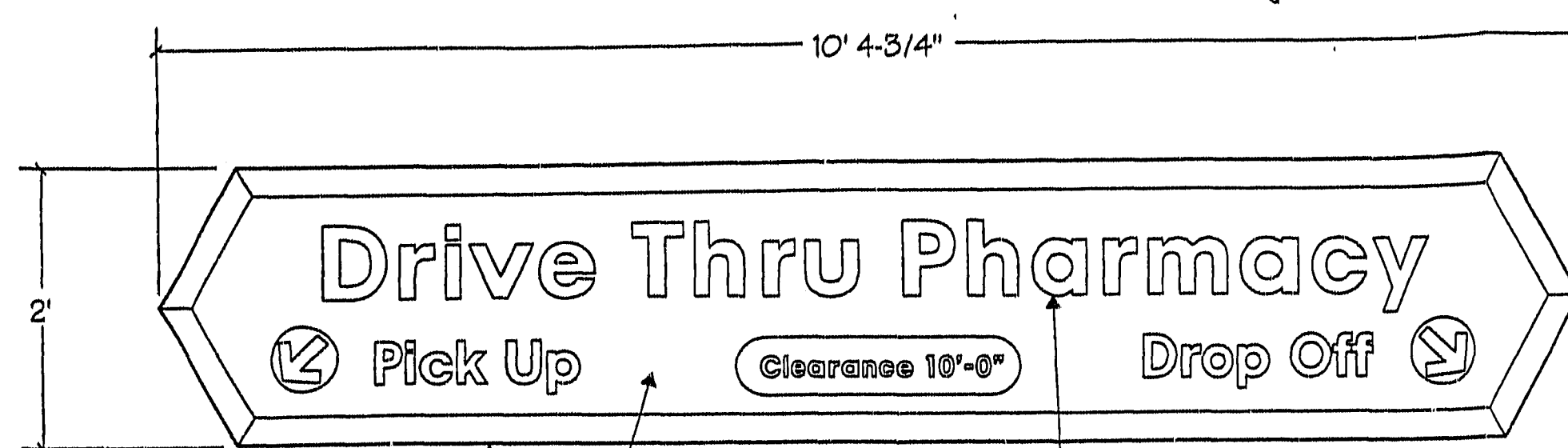
EXTRUDED ALUM SOCKET BOX

.063 WHITE ALUM PRECOAT BACK

ELECTRICAL LOAD
3.8 AMPS @ 120 VOLTS
ELECTRICAL REQMT'S
(1) 20 AMP / 120 VOLT CIRCUIT

NOTES:
1. SUFFICIENT PRIMARY CIRCUIT IN VICINITY OF SIGN
BY OTHERS
2. FINAL PRIMARY HOOK-UP BY SIGN INSTALLER,
WHERE ALLOWED BY LOCAL CODES
3. SIGN SHALL BE UL LISTED
4. MOUNTING HARDWARE BY SIGN INSTALLER

DESCRIPTION	DATE	REV.	JOB NO.:	SHEET NO. OF	DWG. NO. REV.
				1 1	B-3644
TITLE: RITE AID 4' 3" X 7' 9" S/F "OPEN 24 HOURS" WALL SIGN			LOCATION: VARIOUS		
			DRAWN: JDH	CK. BY: [Signature]	
			DATE: 7/18/97	L/O#	
 <p>Philadelphia Sign Company 707 West Spring Garden Street Palmyra, New Jersey 08065-1798</p>					

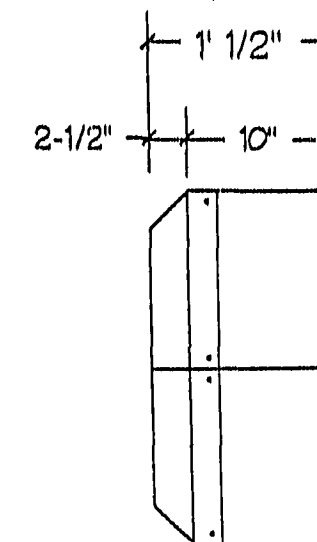


EXTRUDED ALUM SIGN CASE
AND RETAINER PNT'D REFLEX
BLUE

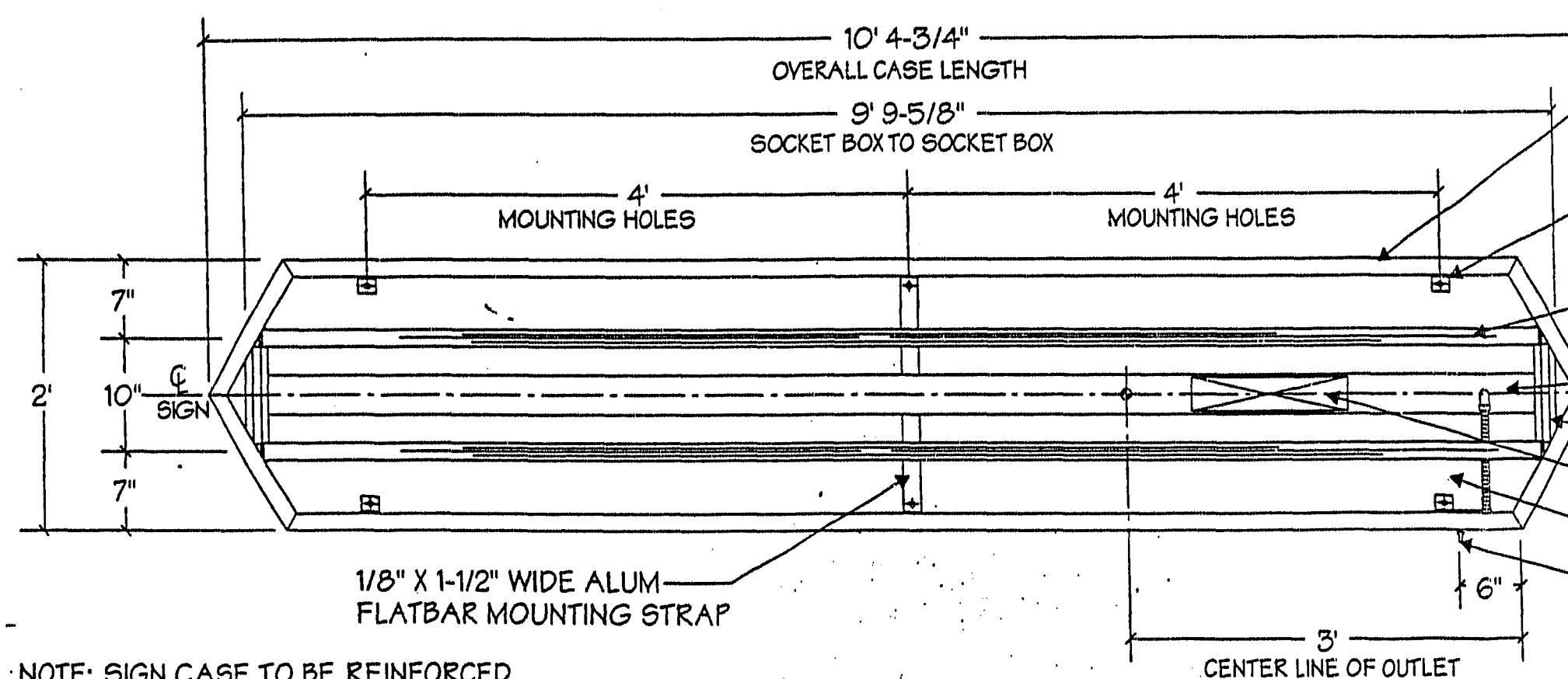
THERMO FORMED 3/16\"/>

SIGN ELEVATION
SCALE: 3/4\"/>

WHITE COPY DROPPED OUT OF
BLUE VINYL BACKGROUND



SIDE ELEVATION
SCALE: 3/4\"/>



EXTRUDED ALUM SIGN CASE
AND RETAINER PNT'D REFLEX
BLUE

1-1/2\"/>

(2) F117\"/>

EXTRUDED ALUM BALLAST BOX

EXTRUDED ALUM SOCKET BOX

120 VOLT BALLAST #V234L16-24

.063 WHITE ALUM PRECOAT BACK

SHUT OFF SWITCH W/BOOT MOUNTED
IN 2\"/>

NOTE: SIGN CASE TO BE REINFORCED
@ ALL (6) POINTS W/ 1/8\"/>

CONSTRUCTION ELEVATION
SCALE: 3/4\"/>

NOTES:

1. SUFFICIENT PRIMARY CIRCUIT IN VICINITY OF SIGN BY OTHERS
2. FINAL PRIMARY HOOK-UP BY SIGN INSTALLER, WHERE ALLOWED BY LOCAL CODES
3. SIGN SHALL BE U.L. LISTED
4. MOUNTING HARDWARE BY SIGN INSTALLER

ELECTRICAL LOAD
2.9 AMPS @ 120 VOLTS
ELECTRICAL REQMTS
(1) 20 AMP / 120 VOLT CIRCUIT

DESCRIPTION

DATE

REV.

JOB NO.:

SHEET NO. 1 OF 1

REV.

DWG. NO.:

B-2429

TITLE: RITE AID 2' X 10' 4-3/4\"/>

LOCATION: VARIOUS

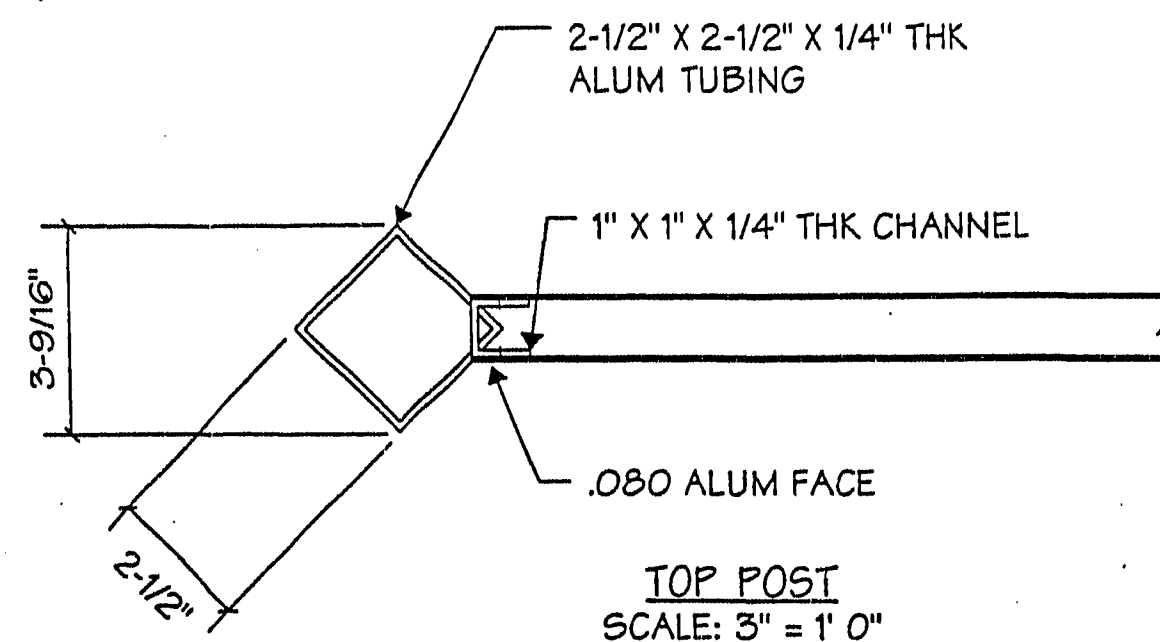
CK. BY:


DRAWN: KJH

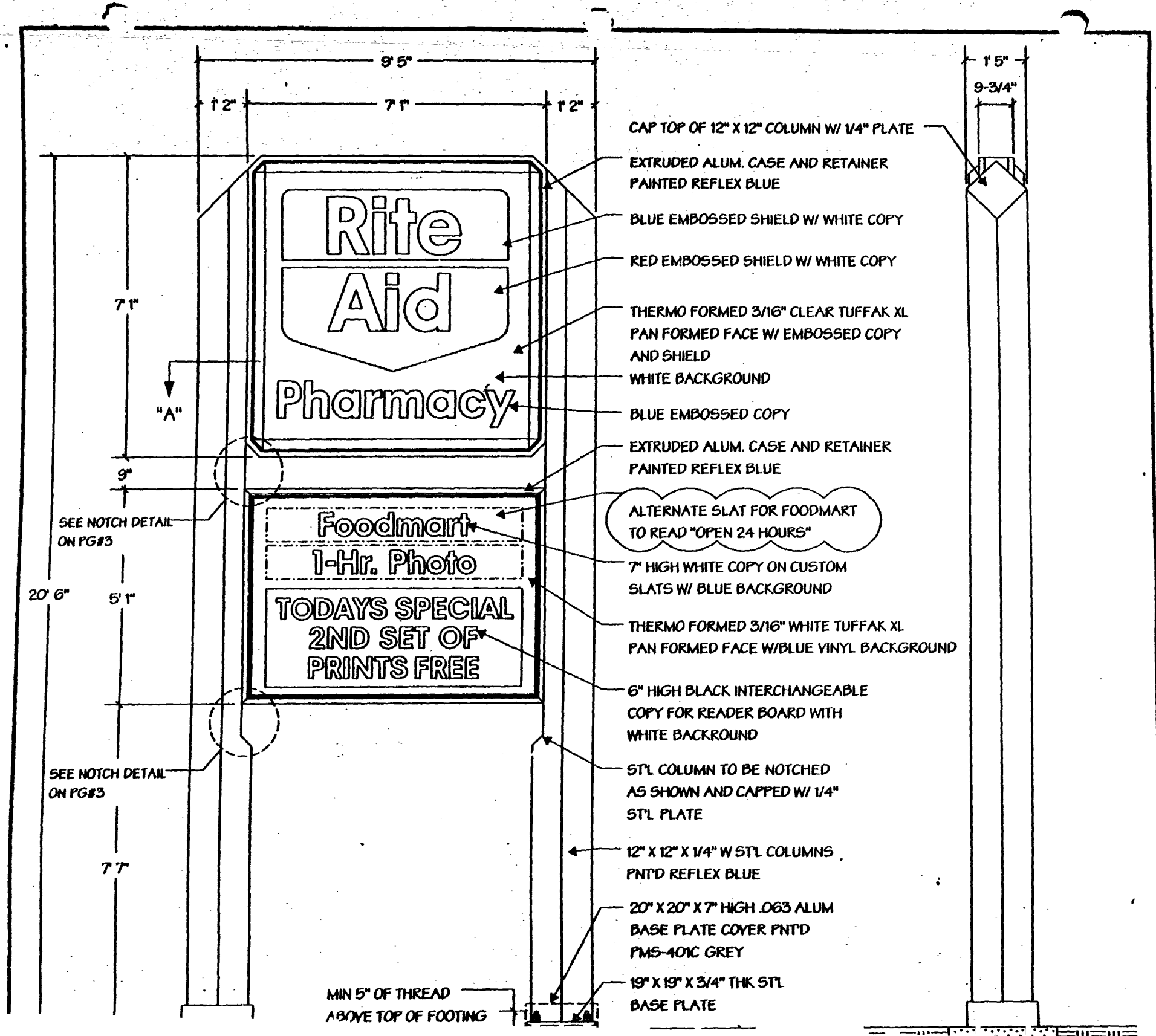
DATE: 12/13/96

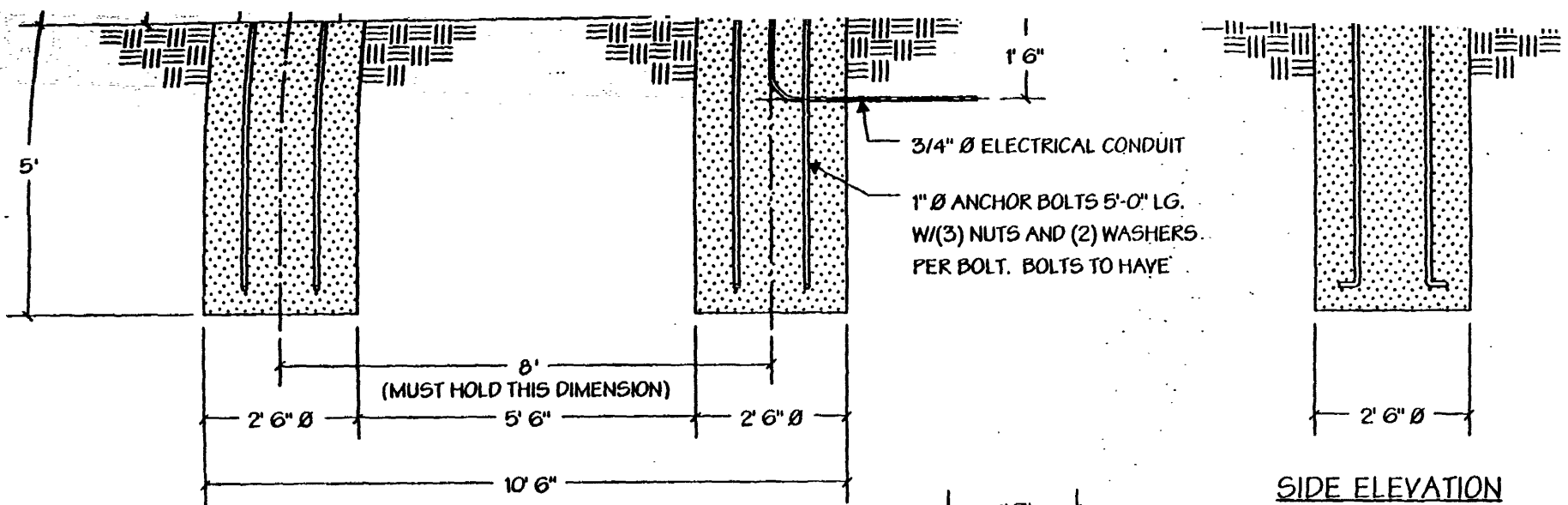
Philadelphia Sign Company
707 West Spring Garden Street
Philmira, New Jersey 08065-1798





<div>Philadelphia Sign Company 707 West Spring Garden Street Palmvra, New Jersey 08065-1798</div>											
TITLE: RITE AID PHARMACY NON-ILLUMINATED POST & PANEL DIRECTIONAL SIGN		JOB NO.:				REV.		DATE		DESCRIPTION	
LOCATION: VARIOUS		SHEET NO: 1		OF 2							
DRAWN: JDH		CK. BY: 		DWG. NO.: B-3613		REV. 1					
DATE: 7/9/97		UO#						1		7-16-97	
										REV. PER RITE-AID SPECS. YLR	



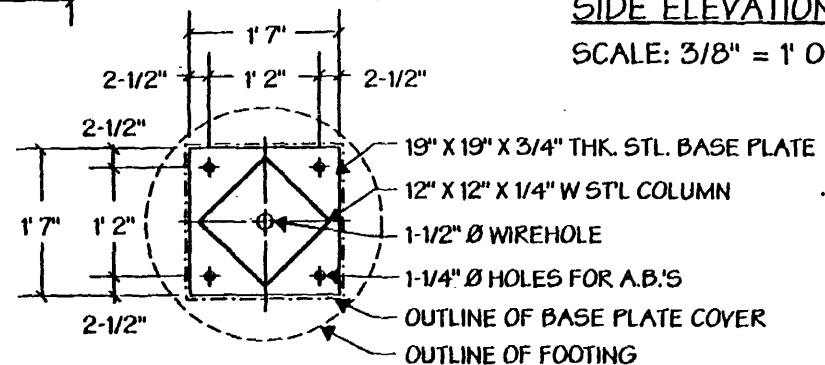


FRONT ELEVATION

SCALE: 3/8" = 1' 0"

SIDE ELEVATION

SCALE: 3/8" = 1' 0"



BASE PLATE DETAIL

SCALE 1/2" = 1' 0"

NOTES:

1. SUFFICIENT PRIMARY CIRCUIT IN VICINITY OF SIGN BY OTHERS.
2. FINAL PRIMARY HOOK-UP BY SIGN INSTALLER, WHERE ALLOWED BY LOCAL CODES.
3. SIGN SHALL BE U.L. LISTED.
4. SOIL ASSUMED TO BE MEDIUM CLAY, OR BETTER, WITH MINIMUM SOIL BEARING CAPACITY OF 2,500 PSF.
5. CONCRETE 3,000 PSI @ 28 DAYS.
6. REINFORCING STEEL SHALL BE ASTM A615 GR. 40.
7. STRUCTURAL STEEL SHALL BE ASTM A 36.
8. ALL WELDS SHALL CONFORM TO A.W.S. STANDARDS.

**RITE AID 7' X 7' PYLON
W/ 5' X 7' READERBOARD**

**ELECTRICAL LOAD
9.7 AMPS @ 120 VOLTS
ELECTRICAL REQ'MENTS
(1) 20 AMP/120 VOLT CIRCUITS**



Philadelphia Sign Company
707 West Spring Garden Street
Palmyra, New Jersey 08065-1798

**TITLE: RITE AID 7' X 7' PYLON
CONSTRUCTION DETAILS**

**LOCATION:
VARIOUS**

DRAWN: KJH

CK. BY:

DATE: 12/12/96

L/O#

JOB NO.:

SHEET NO:

OF

DWG. NO.:

REV.

REV.

DATE

DESCRIPTION

4

7-17-97

REV PER RITE AID SPECS JDH

3

2-19-97

REV FONT IN SHIELD TO MOBIL
JDH

2

12-26-96

READERBOARD COPY COLOR
REVISED TO BLACK JDH

1

12-12-96

ADDED PG#1

KJH

1 3

B-2357

4

In the Matter of the Application of

N.W. PARTNERS, L.P./DAIDONE, CHARLES

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#98-31.

WHEREAS, CHARLES DAIDONE, 267 Temple Hill Road, New Windsor, New York 12553, owner, and **N. W. PARTNERS, L.P.**, 582 New Loudon Road, Latham, New York 12100, contract vendee, have made application before the Zoning Board of Appeals for an 11.5 ft. maximum building height variance, interpretation with respect to the portion of the parcel which is segmented by a zone line depicting 30% of lot area located in the R-4 zone to the rear, plus 168 s.f. of sign area and sign height for freestanding and facade signs, for construction of a commercial building in the C zone portion of the property which fronts on Route 32; and

WHEREAS, a public hearing was held on the 14th day of September, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Greg Shaw, P. E. of Shaw Engineering; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties, fronting on a busy State highway.

(b) The property may be found in two zones. Two hundred feet of the property measured from Windsor Highway (the busy State highway) is in a C zone and the remainder of the property is in an R-4 (single-family residential) zone. The Applicant seeks to use the entire

property for a commercial use, being the construction of a retail store which is an allowed use in the C zone.

(c) Sixty-Eight (68%) per cent of the parcel is in the C zone and Thirty-Two (32%) per cent is in the R-4 zone.

(d) The existing use of the lot is a commercial use for the entire lot. The Applicant proposes demolishing the existing building and replacing it with another commercial structure.

(e) The Applicant requests an interpretation of Section 48-6D allowing use of the entire property for commercial use.

(f) The proposed commercial building does not extend into the R-4 zone more than 30 ft. The Applicant proposes to use the remainder of the residentially-zoned property for parking.

(g) The building, as proposed, will be no higher than the structures surrounding it.

(h) The signage proposed by the Applicant is intended to facilitate use of this retail structure by the public. The retail structure provides for drive-in service. More signage is requested than is allowed by the Sign Local Law.

(i) The Applicant first requests a variance for an additional free-standing sign. The Zoning Local Law allows for only one freestanding sign. The additional sign is intended to be directional.

(j) The Applicant also requests a variance for the height of the freestanding sign to allow 20 ft. 6 in. from the permitted height of 15 in.

(k) The Applicant is requesting a variance for the area of the freestanding signs.

(l) The Applicant has asked for a variance for the number of façade signs. Two of the signs are proposed to be awning signs, advertising both the pharmacy and the food mart, since this is a proposed multi-use, retail establishment.

(m) Additionally on the building, Applicant proposes two, "drive-thru pharmacy" signs, two "open-24 hour" signs, and one "drive-thru pharmacy" sign with pick-up and drop-off signs, for a total of seven signs. The first two signs proposed are on awnings and the other signs are proposed to be placed on the building itself.

(o) The Zoning Local Law allows one façade sign, so the Applicant is asking for a variance for six additional signs.

(p) Lastly, the Applicant is asking for a variance of the area of the façade signs. That variance request is for a total of 260 sq. ft. spread among the seven signs.

(q) The signs are intended to be primarily directional in nature and not advertising.

(r) The proposed building is 11,000 sq. ft. Such a building would permit four or five retail establishments, each of which will be allowed a façade sign. Because a single, retail establishment is occupying the entire premises, only one sign is allowed. With respect to the first sign variance requested by the Applicant, the sign as depicted to the Board appears to be a directional sign which is permitted under the New Windsor Zoning Code and for which a variance is, therefore, not necessary.

(s) The Applicant eliminated its request for a second, freestanding sign and reduced the area of the freestanding sign to a variation of 36 sq. ft.

(t) The proposed awning signs are not lighted.

(u) The proposed awning sign variances includes the size of the awning of which the sign is a small portion.

(v) The Applicant's request after discussion with the Board was to increase the area of the freestanding sign by 36 sq. ft.; to increase the area of the façade signs to 168 sq. ft. and a variance for three, (in addition to the one allowed) façade signs.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. Section 48-6.D of the New Windsor Zoning Code should be interpreted in application to this property so as to permit the construction of the building proposed by the Applicant which allows construction of a commercial building in an area not exceeding 30 ft. into the R-4 (single-family residential) zone and uses the remainder of that zoned property for parking.

2. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variances.

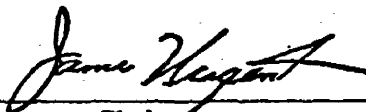
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3 ft. 8 in. variance for maximum building height and sign variances as previously stated in paragraphs "(h)" through "(p)". With respect to the interpretation of Section 48-6.D, the Board allows that the commercial building use does not extend into the R-4 zone for more than 30 ft. and considers this to be minimal, for the construction of a commercial, retail building on Route 32, in a mostly commercial zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 11, 1999.



Chairman

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-20

DATE: 15 JULY 98

APPLICANT: NW PARTNERS LP
582 NEW LODDON RD.
LATHAM N.Y. 12110

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 18 JUNE 98

FOR (~~SUBDIVISION~~) - SITE PLAN)

LOCATED AT EAST SIDE³⁹⁷ WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65 BLOCK: 2 LOT: 16.21
16.22
25

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

BUILDING HEIGHT VARIANCE REA'D


MARK J. EDJALL RE. F.
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>C</u>	USE	<u>A-1</u>
MIN. LOT AREA	<u>40,000 SF</u>	<u>78,035 SF</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>295 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>72 FT</u>	<u>—</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>38 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>142 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>79 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>240 FT</u>	<u>—</u>
MAX. BLDG. HT. Y'/FT	<u>12'-6"</u>	<u>24 FT</u>	<u>11.5 FT</u>
FLOOR AREA RATIO	<u>0.50</u>	<u>0.14</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>N/A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>67</u>	<u>69</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE Z.B.A. REFERRALS

NEW WINDSOR PARTNERS, L.P. (98-20) WINDSOR HIGHWAY

Mr. Gregory Shaw appeared before the board for this proposal.

MR. SHAW: Good evening. For the record, I'm representing N.W. Partners, L.P. regarding the parcel which is presently occupied by Windsor Farms on Route 32. This property was before you I believe within the past three months with respect to a lot line change with the Vails Gate Fire Company. This drawing reflects that lot line change and what we're proposing is the removal of the existing structures on the site and the construction of an 11,060 square foot building for retail use. If you notice in the zoning schedule, we're complying with the Town of New Windsor Zoning Regulations, other than with respect to building height. We're before this board tonight for a rejection to allow us to go to the Zoning Board and to get the necessary variance for a building height. If the board has any other questions regarding the particular layout of the site, I'd be more than happy to answer questions. But we understand that there will be a thorough review by this board at a later date when we return from the ZBA.

MR. PETRO: Greg, the aisle width on the north front corner of the building is inadequate, are you aware of Mark's comments at all?

MR. SHAW: No, I have not seen them.

MR. PETRO: Is there a reason for that? You're not going for a variance for any of this stuff?

MR. SHAW: No, that can get shaved back.

MR. PETRO: It will be made right is what you're saying?

MR. SHAW: Correct. What it is, the purpose of it is it's to be one way to exit from the site, but Mark's correct that you do have vehicles that have to back out

of there. So whether it's one way or not, it should be 25 feet to allow vehicles to back out of those spaces.

MR. PETRO: Three tax maps will be combined to a single lot as a condition of the site plan.

MR. SHAW: No, that has been done with a lot line change, that drawing has been filed in the Orange County Clerk's Office.

MR. PETRO: We did that last meeting, I believe.

MR. SHAW: Correct, it has been filed in Goshen.

MR. EDSALL: That is a single lot at this point.

MR. SHAW: Correct.

MR. EDSALL: Application still showed it with the three.

MR. SHAW: Because I couldn't designate it.

MR. EDSALL: Let's just note it as already having been combined.

MR. KRIEGER: Not yet been assigned a new tax number.

MR. SHAW: If you notice on note 7, my drawing even designates the date filed in the clerk's office and the map number also.

MR. EDSALL: Okay.

MR. PETRO: It's my recommendation that the planning board authorize the issuance of lead agency coordination letter. It would appear it would be appropriate to request a full EAF for the circulation of the site plan as part of the lead agency letter. Do any of the members have a problem with that?

MR. LANDER: No problem.

MR. PETRO: Mark's been authorized by the board. Conceptually, does anyone have a problem with the plan?

Should obtain the necessary variances and reappear here?

MR. LANDER: No, only thing that I see is the sidewalk, there's no sidewalk in the front.

MR. SHAW: There is right now and there will be when we're done, there's a continuous sidewalk along that whole stretch with drop curbs.

MR. LANDER: You're not changing the stream or anything are you, Mr. Shaw?

MR. SHAW: Yes, we are, presently the stream runs underneath the building, and we're really not sure of the construction of the building and we will be relocating that stream probably parallel and adjacent to the existing sanitary easement which runs through the property.

MR. LANDER: Doesn't it run right underneath the building that is standing there now?

MR. SHAW: Yes, it does.

MR. PETRO: Is that a Class A stream?

MR. SHAW: No, it's Silver Stream. In fact, today, we had a wetlands consultant looking at that stream and we'll be contacting the Army Corps as to whether or not they have jurisdiction over it any. My consultant tells me more than likely, they do not.

MR. PETRO: Can we have a letter of their findings that you're moving it around, if it is, you'll have to go to the agency involved.

MR. LUCAS: Shop Rite is going to be doing something with the other side.

MR. SHAW: Basically, they are going to be replacing their culvert with a 10 foot by 7 foot pipe.

MR. PETRO: Your outlet to your property is not going to be changing with their flow, in other words, still

going to go to 32 in the same spot so what they are going to do is not going to affect it. Can I have a motion to approve?

MR. LUCAS: Make a motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the N.W. Partners Windsor Highway site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LUCAS	NO
MR. LANDER	NO
MR. ARGENIO	NO
MR. STENT	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning board for necessary variances. Once you have received those and they are properly put on the plan, we'll review it again at this board.

MR. SHAW: Thank you.

*Pls. publish immediately. Send bill to: Shaw Engineering
744 Broadway
Newburgh, N.Y. 12550*

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal: #31

Request of DAIDONE/N.W. PARTNERS

for a VARIANCE of the Zoning Local Law to Permit:

The construction of an 11,060 sq. ft. building for retail use after removal of old structures, the new structure having more than the allowable maximum building height and signage; and an interpretation of the residential portion of the property to the rear;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regulations, Col. I, Section 48-18H of the Supplemental Sign Regs. and Section 48-34H(a) Interpretation, for property situated as follows:

East side of Route 32, 397 Windsor Highway, New Windsor, New York, known as tax lot Section 65 Block 2 Lot 16.21, 22 & 25.

THE HEARING will take place on the 14th day of September, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock p.m.

James Nugent, Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-31

Date: 08/18/98

I. Applicant Information:

- (a) DAIDONE, CHARLES - 267 Temple Hill Road, New Windsor, N.Y. 12553- Owner
(Name, address and phone of Applicant) (Owner)
- (b) N. W. PARTNERS L.P., 582 New Loudon Road, Latham, N. Y. 12110
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) Shaw Engineering, 744 Broadway, Newburgh, N. Y. 12550 - 561-3695
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☒ Area Variance ☒ Interpretation

III. Property Information:

- (a) C e/s Windsor Highway-Route 32 16.22, 25
(Zone) (Address) 65-2-16.21/ 78,035 s.f.
(S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 07/19/76
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. I.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 s.f.</u>	<u>78,035 s.f.</u>	<u>-</u>
Min. Lot Width <u>200 ft.</u>	<u>295 ft.</u>	<u>-</u>
Reqd. Front Yd. <u>60 ft.</u>	<u>72 ft.</u>	<u>-</u>
Reqd. Side Yd. <u>30 ft.</u>	<u>38 ft.</u>	<u>-</u>
Reqd. Total Side Yd. <u>70 ft.</u>	<u>142 ft.</u>	<u>-</u>
Reqd. Rear Yd. <u>30 ft.</u>	<u>79 ft.</u>	<u>-</u>
Reqd. Street Frontage* <u>n/a</u>	<u>240 ft.</u>	<u>-</u>
Max. Bldg. Hgt. <u>20' 4"</u>	<u>24 "</u>	<u>3 ft. 8 in.</u>
Min. Floor Area* <u>0.50</u>	<u>0.14</u>	<u>-</u>
Dev. Coverage* <u>n/a</u> %	<u>n/a</u> %	<u>-</u> %
Floor Area Ratio** <u>0.50</u>	<u>0.14</u>	<u>-</u>
Parking Area <u>67</u>	<u>69</u>	<u>-</u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(See attached site plan)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: August 18, 1998

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

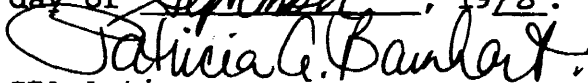


(Applicant)
Greg Shaw, P.E.

Shaw Engineering (Proxy on file
w/ Planning Bd.)

Sworn to before me this

14th day of September, 1998.



XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

On June 24, 1998, the Applicant, NW Partners L.P. appeared before the Planning Board to pursue a lot line change and in so doing, the Planning Board referred the Applicant to the Zoning Board of Appeals for an interpretation with respect to the parcel which is segmented by a zone line depicting 30% of lot area located in an R-4 zone to the rear, and the balance of the front portion in a C zone; plus a 7 ft. 4 in. maximum building height variance and variances for facade and free-standing signs. The Applicant proposes the removal of the existing structures on the site of Windsor Farms located on Route 32 (Daidone) and construction of an 11,060 square foot building with 70 parking spaces to be used for retail in a C zone.

With respect to the residential portion of the parcel, this portion is minimal in comparison to the size of the parcel (78,035 sq. ft.) and even though that small portion is residential in nature, Applicant feels that it cannot be used for residential purposes because of its diminished size.

Additionally, Applicant recently found out that the stream located on the property could not be converted and Applicant had to construct a retaining wall to protect the stream to protect its natural state. Faced with this dilemma, Applicant purchased additional land from his neighbor which ultimately reduced the maximum building height variance required.

Applicant feels very strongly that the granting of the requested variances will not be detrimental to the health, safety or welfare of the neighborhood or community since the property is located in a commercial (C) zone where retail sales are a permitted use.

The only feasible method which Applicant can pursue is the variance process in view of the fact that the parcel is zoned for retail sales and the maximum building height and sign regulations allowed by the Town Code are somewhat restrictive.

Applicant feels that this request is not substantial when considering the size and configuration of the parcel.

Since this parcel can only be developed for commercial use in view of the fact that the R-4 residential portion to the rear is so minute, Applicant feels that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

Applicant requests that the Board make an interpretation that the R-4 portion cannot be used for residential purposes due to its minute size.

The difficulties stated above are not self-created.

Date 12/19/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/14/98		Zoning Board	75.00	
		Misc - 1		
		Cestari - 2		
		Wilson - 3		
		Creech - 4		
		Lucas - 7		
		Jannotti - 9		
		N/W Partners - 18 81.00.		
		Bila Partners - 42	387.00	
		86		
			462.00	

PUBLIC HEARINGS:

NEW WINDSOR PARTNERS LP/DAIDONE

MR. NUGENT: Request for interpretation of the segmented parcel (C in front and R-4 to rear) plus a 3 ft. 8 in. maximum building height and sign variance to construct commercial building on east side of Route 32.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. NUGENT: The record show there's no one in the attendance for this.

MS. BARNHART: Although 37 notices were mailed out on August 25, 1998.

MR. SHAW: For the record, my name is Greg Shaw from Shaw Engineering. Tonight, I'm representing NW Partners LP. As the Chairman mentioned, the project is on the east side of Windsor Highway, probably best described as opposite of Shop Rite. Presently, this is the site of Windsor Farms. We have made application to the Town of New Windsor Planning Board to demolish the existing building and construct a new 11,274 square foot building which you see in front of you, along with that are 81 parking spaces and appropriate loading area. Assuming that we receive the necessary variances we'll be returning to the planning board for site plan approval. We're here before you tonight for three reasons, one is an interpretation as the Chairman mentioned, with respect to having a use and a site that is split by the town zoning line, as you notice on the site plan, 200 feet back from the Windsor Highway right-of-way is the zone line which separates the property from a C Zone to an R-3 Zone. And the question before you tonight is an interpretation as to whether or not it's permitted to use the balance of the site which is in the R-4 zone for commercial use. That raises the logical issue if you couldn't, what residential use could you use for that small remaining piece of property. When I made my initial presentation to this board a month or so ago, your attorney asked me to come back with the percentage of the entire parcel

that is in the C zone and the percentage that is in the R-4 zone. For the record, I'd like to introduce 68 percent of the 1.89 acres of the parcel is in the C zone with 32 percent in the R-4 zone. That is variance number one or interpretation number one. The next issue is the building height. We're proposing to construct a building which is 24 feet high. Your zoning ordinance requires or actually permits the height of the building to be a function of the nearest distance to the closest lot line and in this particular case, we're allowed a building height of 20 feet four inches. Again, building a building 24 feet high, we would need a variance of three foot eight inches. So that would be variance number 2. And finally, there's a list of variances that we would request for the signage, if you want to get to that, that may be a little lengthy, maybe you want to address the first two variances first and then we'll get into the signage after that, whatever the board's pleasure is.

MR. TORLEY: Let's do this one first.

MR. KRIEGER: Present buildings on the property also go across the zone line, in other words, what's on the residential portion of the property there's presently part of a commercial building on that property?

MR. SHAW: I really can't answer that. There's two main structures and you'll see them shown dashed on the plan. One is in the, as you're looking at the plan, the front right corner and the other building is on the left-hand side of the building which butts up closely to the zone line. There may be some auxiliary structures, such as greenhouses and such in the back in the residential zone, but they are really secondary structures and wasn't appropriate to indicate them on this drawing.

MR. TORLEY: But it was a commercial use of the entire lot?

MR. KRIEGER: One lot used for commercial purposes?

MR. SHAW: Correct.

MR. KRIEGER: What's the square footage of the portion of the property in the residential zone?

MR. SHAW: 26,300 square feet.

MR. KRIEGER: And in acreage, that would be?

MR. REIS: That's not correct.

MR. NUGENT: He's doing the whole lot.

MR. REIS: I thought he asked for building.

MR. KRIEGER: I only want the portion of the lot that is in the residential zone.

MR. SHAW: Of the lot area, 26,300.

MR. KRIEGER: That is the portion that is in the residential zone, not the whole?

MR. SHAW: It's 32 percent of the 1.89 acres, so if I take, please allow me to do it again, yeah, 26,300 feet.

MR. TORLEY: I'm looking at my code book Section 48-6 subsection D, mine is dated 8/25/89 in all cases where district boundary divides a lot in one ownership more than 50% of the area such lot lies in a less restricted district, the regulations described for least restricted district shall reply to the more restricted portion which lies within 30 feet of the boundary, So does the back of your building go more than 30 feet into the residential area?

MR. NUGENT: It ain't really the back, it's the side.

MR. SHAW: The building extends into the R-4 zone about 26 feet, except for that little appendage that sticks out a little bit further, that's another four feet so the most extreme penetration into the residential zone is 30 feet. Now, I may just point out to refresh the board, I was, I had a very similar application to this, probably about two or three years ago for Petro Metals up on Windsor Highway across from Willow Lane where

again, he had the same set of circumstances, commercial zone for 200 feet back and then it was residential. And the board interpreted at that time and again your interpretation may change that it was appropriate to use the entire site for a commercial use because if you didn't, what would you do with the balance of the property. So, again, I just, I bring that out for informational purposes.

MR. TORLEY: One the use of this lot right now is commercial, secondly, will the encroachment that the applicant has is 30 feet or less into the R-4 zone in any case?

MR. KRIEGER: As far as the building is concerned, yes.

MR. TORLEY: And the rest of it is parking, you can have a paved lot in a residential zone too?

MR. KRIEGER: If you were to hypothetically speaking, if someone were to construct a one family use in the R-4 portion of it, it would have no access to a public highway, other than through the commercial zone, is that correct?

MR. SHAW: That's correct, it does not have legal frontage.

MR. TORLEY: I think of more concern to the neighbors is not the conversion from one commercial use to another, it might be changes in the water flow, but that you'll be addressing to the planning board.

MR. SHAW: It's all going to the stream.

MR. BABCOCK: His neighbor to the rear of the property is the Vails Gate Firehouse.

MR. KRIEGER: And it fronts on a busy commercial highway and has commercial uses on either side, is that correct?

MR. SHAW: Yes, the board's familiar Rosenbaum Industries just got converted over by RAL Plumbing and that's a new commercial use and the building to the

south used to be Captain Video, I believe it was vacant, but that was a commercial use for many years. And I'm sure it will be. And across the street is Shop Rite and that speaks for itself.

MR. REIS: Appears to be the highest and best use for this property. Do you want to separate each variance as we go along and vote on it independently or total?

MR. NUGENT: We actually have three, I think the first two we can lump together.

MR. TORLEY: Interpretation and building height?

MR. NUGENT: Yes.

MR. TORLEY: Mr. Chairman, since you're opening and closing the public hearing since also no public, I move that we make the following interpretation. In regard to descriptions under Section 48-6 of district boundaries that that parcel being primarily in a C zone and its existing use is commercial, that the applicant's proposed structure is consistent with the meaning of the law in Sections 48-6 and secondarily that we grant him the requested building height variance as well.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. NUGENT: Signs?

MR. SHAW: Thank you. Now we have to go to work. What I have tried to do in this application is to prepare as complete a package as I possibly can listing that signage which is standard with respect to Rite-Aid and also delineating on here what exactly what variances are going to be required. I had the opportunity to sit

down with your building inspector to go over how he felt the mathematics should be computed with respect to the area of the sign. So the first two sheets outline the signage that we're requesting variances for and the following sheets are back-up information, maybe the most important place to start is the second drawing which shows the elevations of the building and where the signage would be located. This is a standard package for Rite-Aid. This is not special sign that is being created for this site. And if you take a look at the signage on how it flows through the building, I think you'll come to the same conclusion while it does exceed that which is permitted by your zoning ordinance, it is appropriate for this building. But again, as we go through them, you may want to refer back to those elevations with respect to how it looks on the building. The first variance we're going to request with respect to signage is the number of freestanding signs. The zoning ordinance permits one, we're requesting two. Sign number one is the main pylon sign which is the first drawing you look at as you thumb through the first two drawings and again, that introduces the property as Rite-Aid Pharmacy with what we call a reader board below it. The second sign is the last page, okay, and that is just a directional sign and delineates it as drive-through pharmacy, okay, so one is the identification sign, the other one is really directional sign. But seeing that the zoning ordinance only permits one and we're requesting two, our first variance would be for that one extra sign. The second variance and again we'll go through these if you just allow me to run through them, the second variance is for the height of the freestanding sign, we're permitted to go a maximum height of 15 feet. Again, if you look at the pylon sign, you'll see that we'll be going 20 feet six inches. We're exceeding it by five feet six inches and that would be variance number 2, for the freestanding sign. The third variance is the area of the freestanding sign, you'll notice on the identification sign, again, the first sheet, Rite-Aid Pharmacy, by the time you compute out the area of the identification sign, plus the reader board times both sides, you come up with a total of 173 square feet. The directional sign, which is the drive-through pharmacy, that's 3 feet by 1 foot 3 which

is a total of 8 square feet, combined, it's 181 square feet, we're allowed 64, therefore, we're requesting a variance on the area of the freestanding signs of 117 square feet.

MR. NUGENT: On sign one?

MR. SHAW: No, what we have done is combined the area of both sides of both signs and that area of both signs is 181 square feet, we're allowed 64 square feet. So we're asking for a variance of 117 feet which represents the area of both signs. Variance number 4 is the number of facade signs. Again, as you thumb through the back-up material that I submitted to you, you'll see that on the building is signage in let's start with the Rite-Aid Pharmacy with pharmacy food mart and one hour photo that is an awning actually that is two awnings, one on each corner of the building. All right, so I'm representing that to be two signs. And additionally, you have on the walls of the building two drive-through pharmacy signs, two open 24 hour signs and one drive-through pharmacy with pickup and dropoff signs for a total of seven signs. Again, these are signs on the building and the awning itself. The number that we're allowed is one as you full well know. So, therefore, we're requesting 6 facade signs. And finally is the variance of the area of the facade signs. If you go through the mathematics and compute out the area and as I list it for you of the different facade signs that we come up with a total of 285 square feet. On some cases, it's the sign in its entirety and some cases, such as the awning, it's just that boxed out area of the letters, that's 285 square feet, we're allowed 25 square feet. Therefore, we're requesting a variance of 260 square feet. I might ask that the board take a look again at the elevations to determine whether or not it's appropriate. What I don't want to do is have the numbers scare you. These are standard signs and I think for the most part, they are really not advertising, they are directional signs on where the different aspects of Shop Rite exist. So, Mr. Chairman, that's five of them. I tried to be as complete as I can in listing the square footage and what we're asking for and I'm sure it will be subject of a little bit of discussion.

MR. TORLEY: We re-did the signing code in '95. I for one don't see why these requested variances are more than just minor, they are extreme.

MR. SHAW: They are extreme with respect to your zoning ordinance, yes, but you have to understand with respect to the zoning ordinance, we have an 11,000 square foot building, your zoning area permits for facade on on sign 2 1/2 by 10 feet. Now, maybe an 11,000 square foot building you'd have four or five retail businesses. Well, then, you'd be allowed four or five retail signs, but because we have one business in a large building, to save on a building that size that you can only have 25 square feet of building signage, that's somewhat limited.

MR. NUGENT: Are these sizes negotiable?

MR. SHAW: I don't know if the sizes are negotiable, maybe some of the signage is negotiable, such as, I don't know, right, I don't know whether or not these signs can be reduced. My tendency would be to say no, but that's what I am being told.

MR. NUGENT: One thing we can do to reduce it a great deal would be to allow one freestanding sign.

MR. SHAW: That's possible, do you feel the drive-through pharmacy sign which is four feet four inches high, all right, do you feel that that doesn't warrant the variance? Just to show where the drive-through pharmacy is, I mean, the sign is 3 1/2 feet by one foot four inches.

MR. TORLEY: Mike, aren't they permitted directional signage for arrows saying road goes this way on a lot?

MR. BABCOCK: Yes.

MR. TORLEY: What size are they?

MR. BABCOCK: I don't know that there's a size on that as far as an enter or do not enter sign.

MR. TORLEY: Come in, there's an arrow saying for traffic flow.

MR. BABCOCK: They are exempt from the code.

MR. TORLEY: But--

MR. BABCOCK: Do not enter sign or enter sign.

MR. TORLEY: I'm thinking of traffic flow signs as thinking that they are this far off the ground.

MR. BABCOCK: Right.

MR. SHAW: Would you have you that as a directional sign, Mike?

MR. BABCOCK: Yes.

MR. TORLEY: If it was two feet off the ground.

MR. KRIEGER: Because there's nothing in the code which differentiates between two and four feet above the ground.

MR. TORLEY: But we have to make some reasonableness that one you can by that same token you can put in a 30 foot sign and say this is directional.

MR. KANE: True.

MR. KRIEGER: All I'm asking the town put on the record is that is the truth of what you just said, doesn't have to do with a decision that the board has made, just has to do with establishing.

MR. BABCOCK: I feel it's a directional sign, but I felt that it should be involved or incorporated with the variances.

MR. SHAW: So, if that is a directional sign, can we take that variance off the list?

MR. TORLEY: Yeah, if we can, if my colleagues would agree that that would be considered a directional sign

and not signage, I'm sorry, proper terminology would be traffic flow.

MR. BABCOCK: If he's allowed to put up the sign, what's the difference?

MR. TORLEY: If traffic flow signs are exempt, he's not asking for a variance for them.

MR. NUGENT: I think what we're all, and myself included failing to look at is that the building is a large building, 11,000 square foot building is a large building, you're not even going to see those signs going by there at 40 miles an hour, unless they are of substantial size and therefore, I don't think what you're asking for is totally out of line. My only concern is that, and everybody I think on this board agrees with me, we don't want that corridor to look like Route 17 down in Jersey with all the signage. If we can cut it down somewhere, I think that would behoove us all to do that.

MR. SHAW: Okay.

MR. KANE: Personally, I'd like to discuss the height of the main sign out front.

MR. SHAW: Okay, with respect to variance one, can we agree that that's been resolved as in a variance is not required for a freestanding signs that will get that issue off the table? We can move on to the next?

MR. NUGENT: The directional signage or identification signs?

MR. SHAW: Yes.

MR. NUGENT: Yeah, I think we can do that.

MR. TORLEY: Well, I must say that to my mind, that is bordering on awfully large for just a directional sign.

MR. KANE: Still, it becomes a matter of opinion on each person of the board whether, and it is a huge building in a large area, so I don't have too much of a

problem with that, but I do with the height.

MR. SHAW: Let's go to the height, all right, again 20 feet six inches maybe we can marry the two together and there's another variance, variance number 3 which also brings in the area of the freestanding sign, how would the board feel if you think this is excessive, is to take the Rite-Aid Pharmacy sign with the, again, for the reader board underneath it, we'll eliminate the reader board, all right, which will reduce the area of the signage and will bring that sign down to 15 feet.

MR. NUGENT: I like that.

MR. SHAW: Is that something we can live with?

MR. NUGENT: Yes.

MR. SHAW: What will happen is that now with variance number one is no longer an application variance, number 2 is no longer applicable. And if we go down to the variance number 3, area freestanding sign, we'll see that we're looking at 7.1 is 100 as opposed to 173 plus. Mike, the directional sign, does that get computed into the area of the freestanding sign or is that exempt also?

MR. BABCOCK: No.

MR. SHAW: So now what we're looking for is 100 square feet, we're allowed 64 so therefore, we're asking for a various of 36 square feet with respect to the freestanding sign.

MR. TORLEY: Lot more reasonable.

MR. NUGENT: That'll fly.

MR. SHAW: I'm running out of options though on the next ones, guys. The next one's the only thing I would ask is that if you take look at the signs themselves, how can I put it, if this was a fabric such as the awning, according to your building inspector, I would be computing out to areas just of the boxed-in letters, okay, but because this is sitting on a piece of

pre-molded plastic, I had to take the entire structure, the entire plastic into the area of the signage and if you take a look at the letters and the signage themselves, I don't think that when you take a look at it open 24 hours and that is 7 foot 9 x 4 foot 3 of which maybe let's say 40 to 50% is actual letters themselves, whether that's excessive or not.

MR. NUGENT: Is that lighted, is that backlighted?

MR. SHAW: No.

MR. BABCOCK: Mr. Chairman, when we figured the square footage for the wall signs, we figured the square footage of the background, not the lettering at all, the entire background of the sign, which is excessive of what the sign actually is, they have background with a small sign in the middle.

MR. SHAW: So what we have left are the number of facade signs which we're allowed one and we're asking for 7, therefore, a variance of 6 signs. Those signs, 2 of which are the awnings, one is a sign for the 2 signs for the drive-through pharmacy, one is for the open 24 hours, excuse me, two are for open 24 hours and one is for the drive-through pharmacy pickup and dropoff which is at the canopy on the side of the building. As I look at it, the only one I think that may not be appropriate that you can put under the category of advertisement it would be open 24 hours, okay, the other ones I think are a necessity. So if you are looking to chop that, you know, that's probably about the only one that I could feel comfortable in eliminating.

MR. NUGENT: How about if we only went with one of those instead of two?

MR. TORLEY: Why do you need two open pharmacy signs?

MR. SHAW: Well, to be honest with you, I can't answer your question because this is Shop Rite's prototype, so you're saying--

MR. BABCOCK: Rite-Aids'.

MR. SHAW: I'm sorry, Rite-Aid, I'm getting in trouble. So, you're saying eliminate, we're talking about eliminating the open, two of the open 24 hours, just go with the one of the drive-through pharmacy. So that would give us 2, 3, 4.

MR. NUGENT: One of each.

MR. SHAW: One of each in lieu of two of each.

MR. TORLEY: If the drive-through pharmacy going one direction, you should only need one sign for it.

MR. NUGENT: Right.

MR. TORLEY: Or the one that says pickup and dropoff, want to put drive-through pharmacy open 24 hours one side and drive-through pharmacy and pickup right over the canopy.

MR. SHAW: You're going to have to repeat that.

MR. TORLEY: What I am suggesting right now you're showing two signs that show drive-through pharmacy, two signs that say open open 24 hours single sign over the canopy where the pickup and dropoff is, how about if you just say one sign that says drive-through pharmacy open 24 hours and second sign right over the canopy where the actual drive-through pharmacy is.

MR. SHAW: We're allowed one open 24 hours sign.

MR. TORLEY: I would suggest one sign that says drive-through pharmacy open 24 hours one sign that says that.

MR. SHAW: Combine the two.

MR. TORLEY: One sign right over the canopy where the actual drive-through pharmacy is.

MR. NUGENT: That would reduce it by 66 square feet.

MR. SHAW: I'm not sure what it is going to reduce it

to cause you're asking me to combine signages and I don't know what would fit, we're going to have to get a number and hope for the best. Again, this is a standard signage package from Rite-Aid and to be able to combine signs, I don't know if we can get both of them on one of the standard signs or at least area that's on the plan.

MR. TORLEY: My recollection there's a Rite-Aid just like this on 211 just north of Middletown or is that and Eckerd?

MR. SHAW: That's an Eckerd.

MR. TORLEY: I'm just trying to see if there's some existing structure.

MR. REIS: How do you think your client would react to reducing the background of your main sign, the Rite-Aid with the pharmacy food mart and one hour photo just reducing the size of that whole back piece?

MR. SHAW: This is the freestanding?

MR. SHAW: That is lettering on the awning, reduce the background, make the awning smaller?

MR. REIS: right.

MR. SHAW: I don't know, I think that would be a disservice to people who want to get into Shop Rite. I think the awning has two purposes--Rite-Aid, I'm sorry, I think an awning serves two purposes, one to protect the customers as they come in and out of the store and two, it serves as a background for the letters to make the awning smaller. I don't think that is going to do anything with respect to the size of the letters, they are still going to remain the same, so the variance would remain the same, it would be a disservice to the people who want to get out of the building.

MR. REIS: Not the width but the height of it?

MR. SHAW: The height of the canopy.

MR. REIS: Right.

MR. SHAW: I really can't answer that, I really can't. I would tend to say that while we relinquished on other things, that I think cause it's a canopy and part of the building and the architecture, I'd like to see that stay.

MR. TORLEY: Mike, a question on the signage, what's the code if any for parking lot stripes on asphalt, painted arrows on the asphalt, what about letters?

MR. BABCOCK: That's exempt.

MR. TORLEY: They can put a sign nice big letters on the asphalt drive-through pharmacy this way.

MR. KANE: Nobody's going to read it. I have been in retail for a long time, nobody's going to read that.

MR. TORLEY: Two years ago the town board said this is what we want for signs.

MR. KANE: But our job here is to give a variance if we feel it's justified, our job is not to sit here and be the sheriff for what the town policies. Our job is to look at what they request, if we feel it's appropriate, make a variance on it.

MR. SHAW: So, with respect to variance number 4, I think that the latest was that the two awning signs would fly, there would be one combined sign which would be drive-through pharmacy open 24 hours and then one sign which would be drive-through pharmacy with pickup and dropoff for a total of four allowed, one variance for three, is that my understanding?

MR. KRIEGER: Now, Mike, with this size building hypothetically, how many separate retail stores could go in there?

MR. BABCOCK: Depending how they split them, this building is about 100 foot wide, so you can get five easily with frontage on Route 32.

MR. KRIEGER: Thank you.

MR. NUGENT: Which would permit five signs.

MR. SHAW: That would be five times 25 or--

MR. KANE: If we look at the size of the building that is here and look what he's trying to put on there, I don't think it's over, I think the freestanding sign they moved quite a bit.

MR. NUGENT: On the freestanding signs, I think this one on the facade we went from 7 to 4, is that correct?

MR. BABCOCK: That's correct.

MR. NUGENT: I think we done a pretty good job.

MR. SHAW: The last one being, if I may continue, I know you have a long agenda tonight, is the variance number 5 which is the area of the facade signs, with the board allowing the two awning signs, the 132 square feet for that would be applicable, the open 24 hour sign, let's strike that and what we'll have, is a combined sign as we agreed above for drive-through pharmacy open 24 hours and if I can, rather than having 33 square feet for two combined signs, can we bump that up to 40, just so that they can fit. I don't know if they can fit it in there, just to give them a little extra room to combine two signs into one. So, if that is the case, we'll have one of them at 40 square feet open 24 hours is out, and the drive-through pharmacy with pickup and dropoff would remain, so what we would have would be 132 square feet which represents two awnings, we would have the combined sign which we're bumping up from 33 to 40 and what we also have is the 21 square foot for the drive-through pharmacy with pickup and dropoff that gives us 193 less 25 is 168 square feet for a variance.

MR. NUGENT: I like that better.

MR. SHAW: Now you know why I saved the signs for last.

MR. TORLEY: Can we just step through starting with

what we're now asking for.

MR. NUGENT: Let me just see if I understand this correctly. We're looking for a height variance of zero?

MR. SHAW: Correct.

MR. NUGENT: We're looking for the freestanding sign square footage 36 square feet?

MR. SHAW: Correct.

MR. NUGENT: We're looking for, I don't think we need to work on number of signs but we're looking for a total of the facade sign of which 168.

MR. SHAW: 193 square feet of which we're allowed 25 square feet with a requested variance of 168 square feet.

MR. NUGENT: What's your pleasure?

MS. OWEN: Did we go over variance number 4?

MR. NUGENT: Variance number 4 we reduced the number of but that is just not a variance, five becomes a variance because that is the square footage.

MR. KRIEGER: The number of signs is a variance.

MR. NUGENT: That is reduced to three then.

MR. SHAW: There will be four signs, we're allowed one, we're asking for a variance of three for the record.

MS. BARNHART: Motion on that, guys?

MR. TORLEY: Mr. Chairman, I move that we grant NW Partners, forgive me if I don't step through the entire variance, the requested sign variances as described in our discussion.

MR. NUGENT: Right.

September 14, 1998

44

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

NW Partners/Daidone,
Applicant.

#98-31.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Aug. 25, 1998, I compared the 32 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

**Sworn to before me this
___ day of ___, 19__.**

Notary Public

Date 8/11/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
8/11/98	Zoning Board Mtg	75.00	
	Misc - 3		
	N.W. Partners - 4		
	Kroll & Jasal - 8		
	Kline-Insulrush - 5		
	Vanleeuwen - 13		
	Moshhi, Inc - 10		
	Petro/mt Valley Oil - 4		
	Henault - 3		
	Domingues - 3	238.50	
	53		
		313.50	

PRELIMINARY MEETING:

N.W. PARTNERS L.P.

MR. NUGENT: Referred by Planning Board for 11.5 ft. maximum building height variance for construction of commercial building on the east side Route 32 (Daidone) in a C zone.

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Good evening. As the Chairman mentioned, my name is Greg Shaw from Shaw Engineering and I'm representing New Windsor Partners tonight before this board for a variance. I'm actually before the board for two reasons, one is to get an interpretation with respect to the parcel that is segmented by a zoning line that being the C-2 zone, which is close to Windsor Highway and the R-4 zone which is to the rear of the property and two is a building height variance. The plan that you are looking at is probably the most current plan that's been generated by this office which is slightly different than what was reviewed by the planning board. We just recently found out from the Army Corps of Engineers that the stream in the rear of the property cannot be culverted so what does that mean, that means it has to remain in its natural state. We have to put in a retaining wall to protect it and my client is in the process of purchasing from the fire department an additional strip of land to the rear of the property. The reason that I am bringing it up is that it will reduce the variance that we're requesting for a building height with the present configuration behind, we have a 61 foot setback from the building to the nearest lot line which gives us a building height permitted of 20 feet four inches as the building's going to be 24 feet, the variance has been now reduced to three feet eight inches. I discussed that with Mike prior to the meeting starting so he can reflect it in his paperwork accordingly. As you mentioned, the parcel is about 1.8, the buildings itself, the former Windsor Farm site, I have some aerial photographs for you to look at, and what's going to happen with respect to the site is that the building and the parking will

be demolished and in its place will be an 11,000 square foot retail building with approximately 70 parking spaces. We conform to all aspects of zoning, other than the building height which I mentioned to you. Prior to the board discussing this project, I just want to refresh your memories that with respect to the zoning line segmenting a piece of property we had the same discussion on the application of Petro Metals which is on Windsor Highway opposite Willow Lane and the board determined at that time that even though the small portion in the rear of the property is residential, it really could be used for residential purposes due to the small size of it, therefore, the board interpreted that the entire parcel could be used for commercial use. I hope you come to the same conclusion tonight. So, Mr. Chairman, that is a brief overview of the project. It's going to be a total demolition and construction of a substantial ratable 11,000 square foot building, one story.

MR. NUGENT: Can you show me on this drawing approximately where the R-4 zone is?

MR. SHAW: This is the zone line.

MR. NUGENT: Well, this part is all--

MR. SHAW: Commercial and this part is residential.

MR. KRIEGER: How much would be in the residential zone?

MR. SHAW: When you say how much, are you--

MR. KRIEGER: How much square feet is the residential zone of the area of the lot?

MR. KRIEGER: I would say probably about 25 to 30 percent of the entire parcel, let's say 30 percent of the entire parcel is in the residential zone.

MR. KRIEGER: And the entire parcel the number of square feet in the entire parcel are?

MR. SHAW: The number of square feet are 78,035.

MR. TORLEY: You mentioned that there is a stream that the Corps of Engineers says you can't culvert so the presence of the stream would prevent any residential construction anyway looking at the photo here.

MR. SHAW: Correct and it continues, there's an existing culvert here underneath the 50 foot right-of-way which accesses the vacant land to the rear and comes out of this head wall and continues to flow off-site in that fashion.

MR. TORLEY: I assume when you come back for the public hearing, you'll have the exact breakdown of the residential commercial square foot?

MR. SHAW: Correct.

MR. TORLEY: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move that we set up N.W. Partners Limited for their public hearing for their request for building height variance and interpretation.

MS. OWEN: I'll second it.

ROLL CALL

MS. OWEN	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: Please make sure that both are listed and advertised for so we don't--

MR. NUGENT: Interpretation and--

MS. BARNHART: Michael, could you change the numbers on this?

MR. BABCOCK: Sure.

August 10, 1998

5

MS. BARNHART: I already have a copy of that, Greg.

MR. NUGENT: Mike, you're making the notation of the 11 to three foot?

MR. BABCOCK: Yes, three foot eight, Jim.

MR. NUGENT: Okay.

MR. SHAW: Thank you.